

**REMARKS**

The applicant respectfully requests reconsideration in view of the following remarks.

**This is a reissue application so the claims have been amended according to the reissue rules.** The applicant has enclosed the marked up claims in Appendix 1.

Claims 1-5 and 7-20 under 35 U.S.C. 103(a) as being unpatentable over the combinations of the teachings of JP 60-015460 (Suzuki et al.), GB 1582743 (Bennett et al.) which appears to be an equivalent of DE 2818653, and GB 2030169 (Altermatt et al). The applicant respectfully traverses this rejection.

The Examiner stated at page 5 of the Office Action that the 1.132 declaration was not commensurate in scope with the cited prior art and claims (see pages 5 and 6 of the declaration). In order to expedite prosecution, the applicant has amended the claims and enclosed another executed declaration from Dr. Murgatroyd. This declaration addresses some of the issues raised by the Examiner in the last office action. The Examiner questioned that some of the parameters were not in the claims such as pH (see page 6 of the Office Action). The Enclosed declaration addresses these issues in at pages 2 and 3 of the declaration.

In addition, at page 4 of the Office Action, the Examiner still seems to focus on mixing dyes in order to get a certain shade. However, this is not the technical problem which had to be solved by the inventors. Starting from the Murgatroyd Declarations, the problem can be formulated as providing dye mixtures with improved application properties, such as build-up properties and the applicant believes that the solution of this problem is not obvious over the cited references (see the applicant's specification at page 1, lines 6-8).

The Examiner considers the documents which describe the individual dyes as closest prior art. The Murgatroyd Declarations describe surprising build-up properties of the inventive mixtures when compared to the individual dyes. For the above reasons, the applicant believes that the claims are commensurate in scope with the declaration. In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05579-00304-US from which the undersigned is authorized to draw.

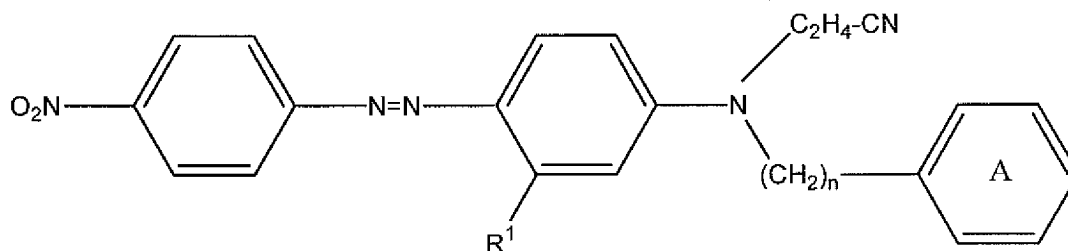
Dated: July 27, 2009

Respectfully submitted,

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APPENDIX

1. (Currently amended) A mixture comprising at least one compound of the formula (I)

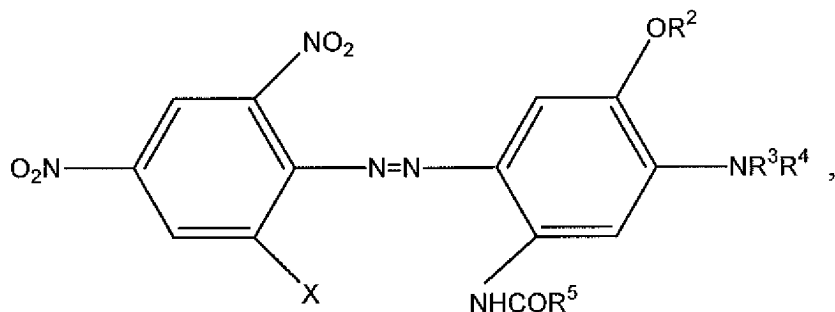


where  $R^1$  is hydrogen,  $C_1$ - $C_4$ -alkyl, halogen, or  $C_1$ - $C_4$ -alkoxy,

$n$  is 1 or 2, and the

ring A is ~~optionally substituted with  $C_1$ - $C_4$ -alkyl or halogen~~ un-substituted,

and at least one compound of the formula (II)



where X is halogen, or -CN,

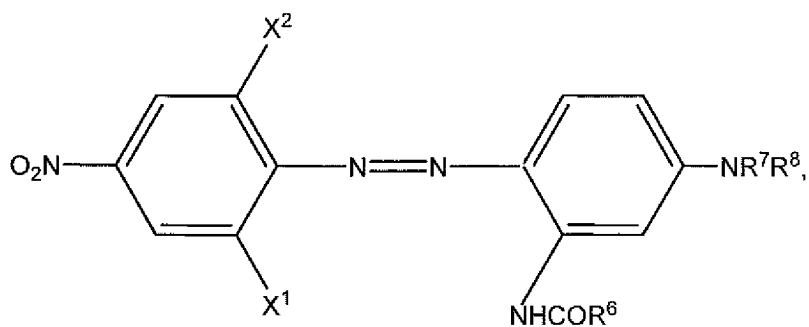
$R^2$  and  $R^5$  are independently hydrogen or  $C_1$ - $C_4$ -alkyl, and

$R^3$  and  $R^4$  are independently hydrogen,  $C_2$ - $C_4$ -alkenyl, alkenyl or unsubstituted  $C_1$ - $C_4$ -alkyl or a NC-substituted  $C_1$ - $C_4$ -alkyl,  $H_5C_6$ , substituted  $C_1$ - $C_4$ -alkyl,  $C_1$ - $C_4$ -alkoxy substituted  $C_1$ - $C_4$ -alkyl or  $ROOC$ -substituted  $C_1$ - $C_4$ -alkyl, and wherein R is hydrogen or  $C_1$ - $C_4$ -alkyl.

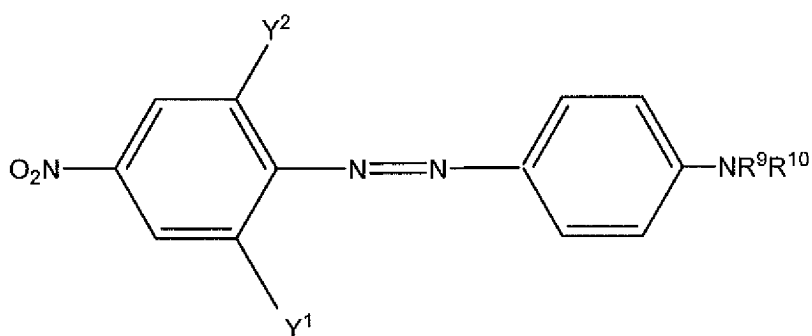
2. (Cancelled)

3. (Cancelled) The mixture of claim 1, comprising at least one compound of the formula (I)  
where  $R^1$  is hydrogen or  $C_1-C_4$ -alkyl.
4. (Currently amended) The mixture of claim 1, comprising at least one compound of the  
formula (I), where n is 1,  ~~$R^1$  is hydrogen or methyl and the ring A is not further~~  
~~substituted.~~
5. (Cancelled)
6. (Cancelled)
7. (Previously presented) The mixture of claim 1, comprising a compound of the formula  
(III), (IV) and/or (V)

(III)

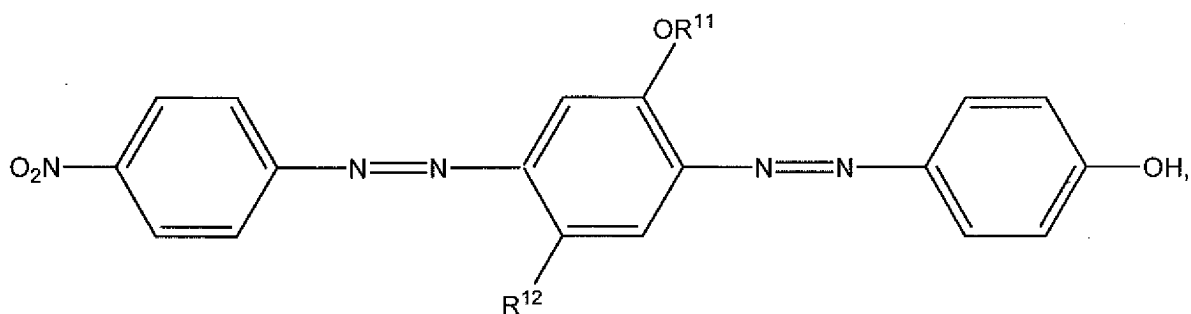


(IV)



and/or

(V)



where  $X^1$  is halogen or CN,

$X^2$  is halogen, hydrogen,  $\text{NO}_2$  or CN,

$R^6$  is  $\text{C}_1$  -  $\text{C}_4$  -alkyl,

$R^7$  and  $R^8$  are independently hydrogen, unsubstituted or HO-, NC-, ROCO-,  $\text{H}_5\text{C}_6\text{OCO}$ -,  $(\text{C}_1$  -  $\text{C}_4$  -alkyl)OOCO-, ROOC-,  $\text{H}_5\text{C}_6\text{O}$ -,  $\text{H}_5\text{C}_6$ - and/or  $\text{C}_1$  -  $\text{C}_4$ -alkoxy-substituted  $\text{C}_1$  -  $\text{C}_4$  -alkyl and/or  $\text{C}_2$  -  $\text{C}_4$  -alkenyl, R being hydrogen or  $\text{C}_1$  -  $\text{C}_4$  -alkyl,

$Y^1$  and  $Y^2$  are independently hydrogen or halogen,

$R^9$  and  $R^{10}$  are independently hydrogen, unsubstituted or HO-, NC-, ROCO-,  $\text{H}_5\text{C}_6\text{OCO}$ -

and/or C<sub>1</sub> -C<sub>4</sub> -alkoxy-substituted C<sub>1</sub> -C<sub>4</sub> -alkyl, R being as defined above, or C<sub>2</sub> -C<sub>4</sub> -alkenyl,

R<sup>11</sup> is C<sub>1</sub> -C<sub>4</sub> -alkyl, and

R<sup>12</sup> is hydrogen, C<sub>1</sub> -C<sub>4</sub> -alkyl or C<sub>1</sub> -C<sub>4</sub> -alkoxy.

8. (Previously presented) The mixture of claim 1, comprising 1 to 99% by weight of at least one compound of the formula (I) and 1 to 99% by weight, of at least one compound of the formula (II), based on total amount of dye.
9. (Previously presented) A dye preparation comprising  
10 to 60% by weight of dye mixture according to claim 1, and  
40 to 90% by weight of dispersant.
10. (Previously presented) A process for producing the dye preparation of claim 9, in which the individual dyes of the dye mixture of claim 1 are ground in water in the presence of a dispersant, then mixed and optionally dried or in which the dye mixture of claim 1 is ground in water in the presence of a dispersant and optionally dried.
11. (Previously presented) A method for dyeing and printing hydrophobic synthetic materials or for mass coloration of hydrophobic synthetic materials in which the dye mixture of claim 1 is used.
12. (Previously presented) The hydrophobic synthetic material dyed or printed with the dye mixture of claim 1.
13. (Previously presented) The mixture of claim 1, comprising 1 to 80% by weight of at least one compound of the formula (I) and 20 to 99% by weight of at least one compound of the formula (II), based on total amount of dye.

14. (Previously presented) A process for producing the dye preparation of claim 9, in which the individual dyes of the dye mixture are ground in water in the presence of a dispersant, then mixed and optionally dried or in which the dye mixture of is ground in water in the presence of a dispersant and optionally dried wherein the mixture comprises 1 to 99% by weight of at least one compound of the formula (I) and 1 to 99% by weight of at least one compound of the formula (II), based on total amount of dye.
15. (Previously presented) A process for producing the dye preparation of claim 9, in which the individual dyes of the dye mixture of are ground in water in the presence of a dispersant, then mixed and optionally dried or in which the dye mixture of is ground in water in the presence of a dispersant and optionally dried wherein the mixture comprises 1 to 80% by weight of at least one compound of the formula (I) and 20 to 99% by weight of at least one compound of the formula (II), based on total amount of dye.
16. (Previously presented) The mixture of claim 1, comprising 5 to 60% by weight of at least one compound of the formula (I) and 40 to 95% by weight of at least one compound of the formula (II), based on total amount of dye.
17. (Cancelled)
18. (Cancelled)
19. (Previously presented) A process for producing the dye preparation of claim 9, in which the individual dyes of the dye mixture of are ground in water in the presence of a dispersant, then mixed and optionally dried or in which the dye mixture of is ground in water in the presence of a dispersant and optionally dried wherein the mixture comprises

5 to 60% by weight of at least one compound of the formula (I) and 40 to 95% by weight of at least one compound of the formula (II), based on total amount of dye.

20. (Cancelled)